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14 IN THE UNITED STATES DISTRICT COURT
15 EASTERN DISTRICT OF CALIFORNIA

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17 UNITED STATES OF AMERICA,
18 Plaintiff,
19 v.
20 GABRIEL DIOP,
21 Defendant.

22 CASE NO. 2:21-CR-00106-WBS
23 STIPULATION REGARDING EXCLUDABLE
24 TIME PERIODS UNDER SPEEDY TRIAL ACT;
25 ORDER
26 DATE: April 10, 2023
27 TIME: 9:00 a.m.
28 COURT: Hon. William B. Shubb

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30 STIPULATION

31 Plaintiff United States of America (the “government”), by and through its counsel of record, and
32 defendant Gabriel Diop, by and through his counsel of record, hereby stipulate as follows:

33 1. By previous order, this matter was set for status on April 10, 2023.

34 2. By this stipulation, the defendant now moves to continue the status conference until May
35 22, 2023 at 9:00 a.m., and to exclude time between April 10, 2023, and May 22, 2023, under Local Code
36 T4.

37 3. The parties agree and stipulate, and request that the Court find the following:

38 a) The government has represented that the discovery associated with this case
39 includes more than 15,000 pages of discovery, images, and video files, all of which are subject to
40 a protective order. Following defense counsel’s recent appointment as counsel of record, the
41 government produced the entirety of this discovery and made additional material available for

1 inspection and copying pursuant to Rule 16(a)(1)(E) of the Federal Rules of Criminal Procedure.

2 b) Counsel for the defendant desires additional time to review this newly produced
3 discovery, consult with his client, review the charges, conduct investigation and research related
4 to the charges, discuss potential resolutions with his client and the government, prepare pretrial
5 motions, and otherwise prepare for trial.

6 c) Counsel for the defendant believes that failure to grant the above-requested
7 continuance would deny him the reasonable time necessary for effective preparation, taking into
8 account the exercise of due diligence.

9 d) The government does not object to the continuance.

10 e) Based on the above-stated findings, the ends of justice served by continuing the
11 case as requested outweigh the interest of the public and the defendant in a trial within the
12 original date prescribed by the Speedy Trial Act.

13 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
14 et seq., within which trial must commence, the time period of April 10, 2023, to May 22, 2023,
15 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4]
16 because it results from a continuance granted by the Court at the defendant's request on the basis
17 of the Court's finding that the ends of justice served by taking such action outweigh the best
18 interest of the public and the defendant in a speedy trial.

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4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: April 3, 2023

PHILLIP A. TALBERT
United States Attorney

/s/ SAM STEFANKI
SAM STEFANKI
Assistant United States Attorney

Dated: April 3, 2023

/s/ DOUGLAS BEEVERS
DOUGLAS BEEVERS
Counsel for Defendant
GABRIEL DJOP

FINDINGS AND ORDER

IT IS SO FOUND AND ORDERED.

Dated: April 3, 2023

William B. Shubb
WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE